



# AFFIDAVIT OF OWNERSHIP

To be completed by owner:

I, \_\_\_\_\_, HEREBY DECLARE THAT I AM THE SOLE OWNER,  
(Please Print)

OR HAVE LEGAL POWER OF ATTORNEY, IN WHICH CASE SAID POWER OF ATTORNEY OR A CERTIFIED COPY OF THEREOF IS ATTACHED HERETO, TO REQUEST THE SUBDIVISION APPROVAL ON THE SUBJECT PROPERTY, AND I UNDERSTAND THAT THE MISREPRESENTATION OF SUCH OWNERSHIP AND/OR AUTHORITY, EITHER BEFORE OR AFTER FINAL PLAT APPROVAL, MAY CAUSE THE DENIAL OR VACATION OF SAID SUBDIVISION.

I HEREBY AUTHORIZE \_\_\_\_\_ TO ACT IN MY CAPACITY AS MY  
(Please Print)

AS MY AGENT FOR THE REPRESENTATION AND/OR PRESENTATION OF THIS REQUEST AND I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AUTHORIZED AGENT TO BE PRESENT AT THE HEARING EXAMINER MEETING AND/OR THE PLANNING COMMISSION MEETING.

Signature of owner:\_\_\_\_\_Date:\_\_\_\_\_

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To be completed by Applicant/Developer:

I CERTIFY THAT ALL INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I UNDERSTAND MY RIGHTS UNDER THE APPEAL PROCESS.

Applicant's Name: \_\_\_\_\_  
(Please Print)

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Appeals of a Hearing Examiner Review action must be made to the Planning Commission. Please contact the Hearing Examiner Review staff for copies of the appeal procedure.

## **HEARING EXAMINER REVIEW PURPOSE AND ELIGIBILITY**

**Purpose:** As established by Ordinance No. O-129-97, and amended by Ordinance No. O-241-2000, the purpose of the Hearing Examiner Review Process is to permit the administrative review of minor non-controversial developments. All plats must comply with the applicable subdivision regulations.

**Creation of New Lots:** To qualify for a Hearing Examiner's Review, the property must meet the following criteria:

- The property has never been reviewed by the Planning and Zoning Commission or its predecessors except in the case of a resubdivision of an existing lot of record.
- The development must create no more than five (5) lots.
- The applicant is not providing for the creation of any new public or private streets. If a private street is the main access to the property, it must have been recorded in the Courthouse prior to June 30, 1998.
- The applicant owns no property adjacent to the proposed development, or in the event he does, the applicant shall not have submitted any other application for a subdivision of property from the total property owned by the applicant within one (1) year prior to the current plat.
- The development under review does not exceed five (5) acres.

### **SUBMITTALS THAT DO NOT REQUIRE A PUBLIC HEARING:**

**Boundary Line Adjustment:** For the realignment or shifting of lot boundary lines within an approved subdivision. The following criteria must be met:

- The proposal does not involve the creation of any new street or public improvement.
- The proposal does not involve more than five (5) lots of record.
- The proposal does not reduce a lot size below the minimum area or frontage requirements established by ordinance.
- The proposal must otherwise meet all requirements of the applicable Subdivision Regulations and the Zoning Ordinance.

**Severed Tracts:** Parcels of land where a portion has been expropriated or has been dedicated, sold or otherwise transferred to the parish or municipality, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines.

## **HEARING EXAMINER REVIEW PROCESS**

### **SUBMITTAL & ELIGIBILITY:**

The proposal is submitted to the Planning, Zoning, and Codes (PZC) Development Review staff in accordance with the Hearing Examiner's Checklist, included in this packet. The PZC staff will determine if the submittal is complete and eligible for the Hearing Examiner's Review. Packets which are incomplete or not clearly eligible for the Hearing Examiner's Review will not be placed on the agenda.

If the packet is not complete, the PZC staff will immediately contact the applicant to correct the deficiency. If the packet is not eligible for this review, the PZC staff will immediately contact the applicant to resubmit a packet for full plat review.

### **PROCESSING FOR THE CREATION OF NEW LOTS:**

The agenda will be set in accordance with the attached schedule, or any subsequent update to be done on a yearly basis. All eligible submissions will be placed on the agenda.

Notice will be mailed to the applicant, adjacent property owners, etc., in accordance with the applicable regulations, ten (10) days before the scheduled hearing.

During the week between the mailing of notices and the hearing, the Development Review Committee (DRC) membership will review the proposals and return comments to the PZC staff.

The PZC staff will provide the applicant with the proposed conditions of approval. If the applicant agrees to the conditions, as noted by the Hearing Examiner, and no opposition has been raised to the proposal, a ruling of tentative approval will be granted. The proposal will then be placed upon the consent agenda of the Planning and Zoning Commission and the issuance of building permits will be allowed, once all requirements are addressed.

If the proposal encounters opposition, or if the applicant wishes to appeal any requirements set forth by the Hearing Examiner, the proposal will be placed upon the next available Planning and Zoning Commission Agenda for a full public hearing.

Once all requirements of approval are completed, the plat will be recorded with the Lafayette Parish Clerk of Court.

### **PROCESSING FOR BOUNDARY LINE ADJUSTMENTS AND SEVERED TRACTS:**

Submittal deadlines shall be the same as those established for submittal of new lots. The appropriate departments within the Lafayette Consolidated Government will review the plats and return comments to the PZC staff.

The PZC staff will provide the applicant with the proposed conditions of plat approval. If the applicant agrees to all conditions, he will submit corrected plats for recordation. Once all of the conditions have been met, the plat will be recorded with the Lafayette Parish Clerk of Court.

If the applicant wishes to request a waiver of any condition, the proposal will be placed on the next available Hearing Examiner Agenda. At that point, the procedure will follow the procedures set forth above for the creation of new lots.

## **HEARING EXAMINER'S CHECKLIST**

**The following items must be submitted for review by the Hearing Examiner:**

### **Creation of New Lots:**

- ☐ Completed Hearing Examiner Application
- ☐ Completed Hearing Examiner Checklist
- ☐ Twenty (20) copies of the proposed plat (minimum size 8 1/2" x 11")
- ☐ One (1) copy of the proposed plat on 8 1/2" x 11" paper
- ☐ Filing Fee - (made payable to Lafayette Consolidated Government):  
    \$100 – Residential Reviews  
    \$500 – Commercial Review
- ☐ Recordation Fees – \$50 (or greater, if actual recording costs exceed \$50)
- ☐ Affidavit of Ownership
- ☐ Names and addresses of all abutting property owners, and those property owners across all adjacent streets on mailing labels, as well as mailing labels for the subject property owner/applicant and surveyor
- ☐ Act of Dedication of Streets and/or Servitudes

### **Boundary Line Adjustments and Severed Tracts:**

- ☐ Completed Hearing Examiner Application
- ☐ Completed Hearing Examiner Checklist
- ☐ Five (5) copies of the proposed plat (minimum size 8 1/2" x 11")
- ☐ Filing Fee - \$100 (made payable to Lafayette Consolidated Government)
- ☐ Recordation Fees – \$50 (or greater, if actual recording costs exceed \$50)
- ☐ Affidavit of Ownership

**All proposed plats shall contain the following information:**

- ☐ Section, Township and Range
- ☐ North Arrow, both plat and vicinity map must be oriented in the same direction.

- ☐ Name, address, and telephone number of property owner(s) and the subdivider
- ☐ Names and addresses of all adjacent property owners (including across the street)
- ☐ The survey must be a minimum Class C stamped survey with all appropriate metes and bounds located thereon.
- ☐ Dimensions and bearings of Lot Lines
- ☐ The number of lots
- ☐ The total acreage
- ☐ Minimum lot frontage and area
- ☐ A vicinity map showing the location of the proposed subdivision, and the entirety of the tract to be divided
- ☐ A title block which includes the subdivision name, type of subdivision (residential or commercial), scale and preparation date
- ☐ Scale (both written and graphic) for the plat and vicinity map
- ☐ The names of abutting subdivisions and in the case of abutting unplatted property, the notation "Unplatted"
- ☐ Utility legend, indicating source of water, sewer, electrical, etc.
- ☐ The location and names of existing roads, watercourses, and easements located in the subdivision and abutting property
- ☐ The Surveyor's name, address, stamp and signature
- ☐ The location of the one hundred (100) year flood zone
- ☐ Distance from the nearest intersection, for accurate addressing

## HEARING EXAMINER SCHEDULE - 2004

Meeting Time: 8:30 a.m.

Submittal Deadline	Comments Faxed to Surveyor	Hearing Date
December 22, 2003	January 7, 2004	January 9, 2004
January 5, 2004	January 21, 2004	January 23, 2004
January 26, 2004	February 11, 2004	February 13, 2004
February 9, 2004	February 25, 2004	February 27, 2004
February 23, 2004	March 10, 2004	March 12, 2004
March 8, 2004	March 24, 2004	March 26, 2004
March 29, 2004	April 14, 2004	April 16, 2004
April 12, 2004	April 28, 2004	April 30, 2004
April 26, 2004	May 12, 2004	May 14, 2004
May 10, 2004	May 26, 2004	May 28, 2004
May 24, 2004	June 9, 2004	June 11, 2004
June 7, 2004	June 23, 2004	June 25, 2004
June 28, 2004	July 14, 2004	July 16, 2004
July 12, 2004	July 28, 2004	July 30, 2004
July 26, 2004	August 11, 2004	August 13, 2004
August 9, 2004	August 25, 2004	August 27, 2004
August 23, 2004	September 8, 2004	September 10, 2004
*September 3, 2004	September 22, 2004	September 24, 2004
September 20, 2004	October 6, 2004	October 8, 2004
October 4, 2004	October 20, 2004	October 22, 2004
October 18, 2004	November 3, 2004	November 5, 2004
November 1, 2004	November 17, 2004	November 19, 2004
November 15, 2004	December 1, 2004	December 3, 2004
November 29, 2004	December 15, 2004	December 17, 2004

\*Submittal for this date due by 4:30 p.m. All other submittals due by noon.

STATE OF LOUISIANA  
PARISH OF LAFAYETTE

**ACT OF DEDICATION OF SERVITUDE(S)**

BE IT KNOWN, that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me, the undersigned Notary Public, duly commissioned and qualified as such in and for the aforesaid Parish and State, and in the presence of the undersigned competent witnesses, personally came and appeared:

\_\_\_\_\_  
who, after being first duly sworn, did depose and declare that:

Appearer is the owner of certain property more fully described as follows, to wit: That certain parcel of ground, together with all improvements thereon, and all rights, ways, privileges, servitudes, advantages and appurtenances thereon and thereunto appertaining to be known and declared as \_\_\_\_\_ Subdivision, Phase \_\_\_\_\_, located in the City and/or Parish of Lafayette as shown and set forth in that certain plat of survey prepared by \_\_\_\_\_, Registered Land Surveyor, dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, a copy of which is attached hereto and made a part hereof.

Appearer has submitted the hereinabove referenced plat of survey to the Lafayette City-Parish Department of Planning, Zoning and Codes in order to have plat approval issued by said Department. In connection therewith and in order to obtain such approval, Appearer does by these presents dedicate, create and establish exclusively in favor of the City-Parish, for the ultimate benefit of the public and any other persons, entities or estates who are given authority by the City-Parish to use same or who as a result of this dedication may derive any benefit therefrom, any and all rights of way, rights of passage, utility servitudes, drainage servitudes, and all other items shown on the plat of survey referenced herein.

Appearer declares that in connection herewith, Appearer grants a perpetual predial servitude(s) in favor of the City-Parish and such other persons, entities or estates who are given authority by said Government to use the servitudes, rights of passage, rights of way and other items shown on the attached plat of survey, or who may as a result of this grant of servitude derive any benefit therefrom, and in connection therewith agrees that the City-Parish and any such individuals, entities and estates as are authorized by the City-Parish shall have access to said servitudes for the purpose of constructing, repairing, maintaining, upgrading, improving or otherwise operating any and all utility, drainage and other improvements, and in connection therewith, may, within the confines of said servitudes as shown on the plat, clear brush, trees and other items or obstacles as may interfere with the free use of said servitudes; construct drainage, electric, sewer, and water and other utility facilities; remove all obstacles which would hamper or preclude the exercise of the servitude; and otherwise have full access for the purpose of utilizing and maintaining the servitudes and any improvements hereafter or heretofore constructed therein, or thereon. Appearer agrees to provide for the perpetual maintenance of any and all drainage ditches, including roadside ditches and other sewage receptors of effluent and other discharges from any and all sewer systems, to the extent they have not been accepted for maintenance by Lafayette Consolidated Government, on the property within the subdivision and to perform and have performed all actions necessary to maintain, clean, clear or improve said waste water discharge as necessary and/or required by law.

In connection with the exercise of the use of the servitudes created hereby, the City-Parish, for the ultimate benefit of the public and any other persons, entities or estates, shall have such access as is appropriate or reasonably necessary, both within and without the actual confines of the servitudes, as same are shown on said plat, to access said servitudes in order to maintain same, improve same, construct appropriate improvements, structures and appurtenances with regard thereto, in accordance with the relevant provisions of the Louisiana Civil Code, and in particular Article 745 thereof.

The purpose of this Act is to dedicate to the City-Parish, for the ultimate benefit of the public, all utility servitudes, rights of way and other matters as reflected on the plat of survey and to provide for the use and enjoyment of same by the public. In that regard, however, this dedication is made in favor of the City-Parish, which will have full authority to regulate the use of said servitudes, rights of way, rights of passage and other items shown on said plat. The servitudes shall be subject to full use by the Lafayette City-Parish Consolidated Government and those authorized by it for the purposes for which they are intended by those having the need or responsibility of providing utilities, drainage or other services to the properties or estates to be serviced or benefited by said servitudes, whether contiguous or not.

THUS DONE AND PASSED on the date first hereinabove written, before me, Notary, and in the presence of the undersigned competent witnesses, after due reading of the whole.

WITNESS:

\_\_\_\_\_  
  
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